

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

KHUDAIDAD,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 05-997 (PLF)
)	
GEORGE W. BUSH,)	
President of the United States, <i>et al.</i>,)	
Respondents.)	

RESPONSE TO ORDER TO SHOW CAUSE

Undersigned counsel on behalf of petitioner Khudaidad respectfully submits the following in response to the Court's March 6, 2006, Order, directing petitioner to show cause why the petition for habeas corpus in this case should not be dismissed as moot.

1. On February 9, 2006, respondents filed a Notice of Transfer, stating that petitioner Khudaidad had been released from custody. Counsel did not receive notice prior to the transfer, although petitioner's request for an order requiring notice was pending at the time of the transfer.
2. On March 6, 2006, the Court issued an Order, directing petitioner to show cause why his petition should not be dismissed as moot.
3. Undersigned counsel has no reason to doubt that petitioner has been released.

However, counsel notes that there has been some confusion regarding names and identities of detainees in other matters. Counsel has made efforts through international organizations and other contacts in Afghanistan to locate petitioner Khudaidad to confirm his release and confirm that he is the person who wrote the letter to the Court filed in this matter on May 18, 2005.

Counsel has been unable to locate Khudaidad and does not know if it is possible to contact him.

4. Because counsel has no reason to doubt the government's representations and has no reason to believe that petitioner can be contacted at any time in the near future, counsel cannot at this time state a reason to oppose the dismissal of the petition without prejudice.

5. If the Court dismisses the petition, however, counsel, on behalf of petitioner, respectfully reserve the right to reinstate the petition if counsel determines that petitioner was not in fact released and/or is not free from unlawful detention.

WHEREFORE, petitioner respectfully submits that there is no readily apparent reason to oppose the dismissal of the petition without prejudice to its reinstatement at a later time as circumstances may warrant.

Respectfully submitted,

A.J. KRAMER
FEDERAL PUBLIC DEFENDER

/s/

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